

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /158 W

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C O N F I D E N T I A L USUN 3532

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: INFORMAL PLENARY ON DISPUTE SETTLEMENT
AUGUST 31

1. INFORMAL PLENARY AUGUST 31 HELD TWO MEETINGS AND
DISCUSSED TECHNICAL ASPECTS OF ANNEX 1B, ARTS. 1 TO 9,
RELATING TO ARBITRATION.

2. ON ART. 2, ANNEX 1B(CONSTITUTION OF ARBITRAL TRIBUNAL),
FRANCE SUGGESTED THE DELETION OF RERERENCES TO THE LAW OF
THE SEA TRIBUNAL AND ITS PRESIDENT AND REGISTRAR. THIS
WAS SUPPORTED IN VARYING DEGREES BY THE USSR, FRG, BULGARIA
AND SWITZERLAND. CONCERNING THE NUMBER OF MEMBERS ON AN
ARBITRAL TRIBUNAL, THE USSR AND TUNISIA SUPPORTED A THREE-
MEMBER GROUP WHILE A FIVE-MEMBER FORUM WAS SUPPORTED
BY THE US, FRG, FIJI AND QATAR.

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3. ART. 5 (DUTIES OF PARTIES TO A DISPUTE TO

ASSIST THE TRIBUNAL) WAS ATTACKED BY THE USSR AND CAMEROONS WHO WISHED EITHER TO DELETE IT ENTIRELY OR TO OMIT THE TRIBUNAL'S RIGHT TO VISIT LOCALITIES IN DISPUTE. SWITZERLAND AND KENYA SPOKE IN FAVOR OF ITS RETENTION WITH SOME CLARIFICATIONS.

4. ART. 6 (EXPENSES) WAS NOT COMMENTED UPON BY ANY DELEGATION.

5. ART. 7(REQUIRED MAJORITY FOR DECISIONS) ELICITED CONCERN FROM THE FRG, CAMEROONS, MAURITANIA AND OTHERS ON HOW A THREE-MEMBER, AS DISTINGUISHED FROM A FIVE-MEMBER PANEL, WOULD MAKE DECISIONS.

6. ARGENTINA AND THE CAMEROONS ASKED TO DELETE ART. 8 (DEFAULT OR NON-APPEARANCE) BUT THIS WAS OPPOSED BY ECUADOR, CHILE, FRANCE, BRAZIL, BULGARIA, THE UK, US AND BAHRAIN, WITH A NUMBER OF THIS LATTER GROUP SUGGESTING THAT ART. 8 BE RE-DRAFTED TO CONFORM MORE CLOSELY TO ART. 53 OF THE ICJ.
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